

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06cr87

UNITED STATES OF AMERICA

vs.

LARRY DUNLAP FRAZIER

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ORDER

THIS MATTER is before the Court upon motions of the defendant pro se requesting discovery (Doc. No. 78) and reconsideration of the Court's denial of his request to appointment new counsel (Doc. No. 76: Order; Doc. No. 79: Motion).

Discovery in this district is governed by a standard discovery order, which was entered on May 5, 2006, in this case . (Doc. No. 14). The defendant has not established that the government failed to provide discovery as required by the order, pursuant to Fed. R. Crim. P. 16.

IT IS, THEREFORE, ORDERED that the defendant's discovery motion (Doc. No. 78) is DENIED. The Court expects that counsel for the defendant will review discovery with him in preparation for the sentencing hearing.

The defendant requests that the Court reconsider its denial of new appointed counsel for the defendant. The defendant submitted a financial affidavit on May 3, 2006, to establish his inability to retain counsel. (Doc. No. 8). The defendant claimed he owned no real estate or vehicles, yet asserted he had monthly payments for a mortgage and car note.¹ Even so, the magistrate judge appointed counsel on the same date. On August 4, 2006, retained counsel entered a notice of appearance (Doc. No. 52), which reportedly cost the defendant \$15,500 for

¹He also reported significant income during the past twelve months and cash savings.

representation (Doc. No. 71: Letter Motion for refund of attorney fee). Accordingly, the Court finds that the defendant has not established an inability to retain counsel and counsel will not be re-appointed based on this record. Additionally, the Court does not find grounds to alter its previous conclusion that currently retained counsel is able to represent the defendant adequately at sentencing. United States v. Mullen, 32 F.3d 891 (4th Cir. 1994).

THEREFORE, IT IS FURTHER ORDERED that the defendant motion for reconsideration (Doc. No. 79) is DENIED.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, and to the United States Attorney.

Signed: May 23, 2007

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

